

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

EVAN WEINER, on behalf of himself and all
others similarly situated,

Plaintiff,

v.

SNAPPLE BEVERAGE CORPORATION,

Defendant.

Civil Action No.: 1:07-cv-08742

ORDER

THIS MATTER having come before this Court on Defendant's Motion to Dismiss Plaintiff's Complaint, and the Court having reviewed the submissions of the parties, and considered the arguments of counsel, and for good cause shown;

IT IS on this _____ day of _____, 2007;

ORDERED that Defendant's Motion to Dismiss be and hereby is GRANTED; and

IT IS FURTHER ORDERED that Plaintiff's Complaint be and hereby is DISMISSED in its entirety with prejudice; and

IT IS FURTHER ORDERED that a copy of this Order shall be served on all counsel of record within five (5) days of its receipt, unless electronically served by the Court.

THE HONORABLE DENISE COTE, U.S.D.J.